

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

MCKOY et al.,

*Plaintiff*

v.

THE TRUMP CORP. et al.,

*Defendants*

No. 1:18-cv-09936-LGS

Dated: November 9, 2023

**MOVANT-INTERVENOR PATEL'S LETTER TO DOCKET 661**

Dear United States District Judge The Honorable Schofield:

T.E.,E. Mr. Patel writes to your honor today to state his objection to Defendants' request to change venue as expressed in Dkt. No. 642, and Patel requests your honor keep this case in this court. Order No. 661. In the alternative, Patel asks this court to issue a § 1651 writ or rule nisi to the transferee court.

- I. Patel's previous filings have been reviewed by the United States Supreme Court and the United States Court of Appeals by the Second Circuit. Dkt. 301. Transfer outside the embracing appellate circuit will cause undue prejudice to Patel's constitutional rights and possible unnecessary appellate hold-up, violating this court's duty to aid the jurisdiction of the United States Supreme Court and sister Federal circuits in comity. U.S. const. art. IV, § 2 & amend. XIV.
- II. Patel has a timely intervention by right. Fed. R. Civ. P. 24(a). 42 U.S.C. § 1981. If not, then Patel has a timely permissive intervention where the court has a duty to certainly

grant intervention and not deprive an intervenor of their right to sue. Fed. R. Civ. P. 24(b).  
42 U.S.C. § 1981. 28 U.S.C. § 453.

- III. Plaintiffs should retain their right to choose venue and not be deprived of their right to sue. Because Patel's intervention is entwined with second amended complaint at Dkt. No. 333, Patel too will be prejudiced at transfer. Consequently, the claims should not be severed as well. Cf. Dkt. 642-1 at 3-4. And, MDL would be prejudicial to pro se Patel because he will not have adequate representation.
- IV. Defendants chose to elongate the case, and Defendants chose to act in nonfeasance against Patel and the claims plead strict liability under New York laws.
- V. Defendants have moved to Florida, and acquiring jurisdiction might prove more difficult.
- VI. Plaintiff, through Ms. Kaplan, had originally opposed intervention.
- VII. T.E.,E. Mr. Patel has an unconstitutional arrest warrant issued by the California Santa Clara County Superior Court for the exercise of his own Basis Privilege of issuing a death threat. People of the State of California v. Raj K. Patel, No. B2301516 (Cal. Super. Ct. 202\_). H. Res. 417 (113<sup>th</sup> Cong.).
  - a. Regular transfer would be prejudicial to Patel because transfer is not a reasonable ultimatum or because the parties could have moved for transfer earlier. Therefore, the court engage in precautionary inter-state diplomatic talks to vacate United States Basis Official Patel's right to be free from unconstitutional persecution.
  - b. Nevertheless, in order to accommodate Defendant's transfer request at Dkt. 642, this court should issue 28 U.S.C. § 1651 writ of mandamus or rule nisi to the Santa

Clara law enforcement to vacate the matter under 28 U.S.C. § 1651 and 42 U.S.C. § 1981. It is agreeable with principle of law because, under the Doctrine of Comity, federal courts, like state courts, must honor each other's judicial proceedings, and the transferee court, the Central District of California, has the duty to maintain jurisdiction attained by this transferor court. U.S. const. art. IV, §§ 1-2.

VIII. New York Supreme Court proceedings show that prosecuting Defendants is in their competing interests. Therefore, this Federal district court in New York, per the compromise of the Federalist and anti-Federalist/Republicans of the original Judiciary Act of 1789, the First Congress' first bill, should not be violated because the Federal government will then be unlawfully encroaching upon the state government and its interests. U.S. const. art. I, § 8, cls. 9, 14, & 18. U.S. const. art. I, § 10, cl. 1. The Framers knew that this agreement was a necessary agreement of the agreement the Federalist and anti-Federalist reached at the Constitutional Convention, prior to signing and the Ratification of the United States Constitution, that the First Congress will pass a Bill of Rights for the sister states to consider. U.S. const. art. IV, §§ 1-2 & amend. X. No valid constitutional amendment has been enacted, and still Federal courts, as our constitutional order demands, remain as state courts too, and should not deprive the People of the State of New York of their constitutional interest in prosecuting Defendants in their own courts. See also Charles Warren, *Light on the History of the Federal Judiciary Act of 1789*, 37 HARV. L. REV. 1, 49-132, 54 & 67-8 (Nov. 1923) (anti-Federalist/pro-state/Republicans were happier than the Federalists/Democrats/pro-Union of the sub-compromise reached in the Judiciary Act of 1789). 28 U.S.C. § 453.

Therefore, this court should keep venue here. Or, in the alternative, transfer to the Central District of California with a § 1651 writ or rule nisi to find not guilty, reverse, and/or vacate Patel's arrest warrant in order receive jurisdiction.

Respectfully submitted, from the Basis of the United States,

/s/ Raj K. Patel  
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T.E. Mr. Student Body President, Brownsburg Cmty. Sch. Corp./President, Brownsburg High Sch. Student Gov't 2009-2010 (corp. sovereign 2009-present)  
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Deputy Regional Director, Young Democrats of Am.-High Sch. Caucus 2008-2009  
Co-Founder & Vice Chair, Ind. High Sch. Democrats 2009-2010  
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Intern, Marion Cnty. Clerk Elizabeth "Beth" White for Sec'y of St. of the St. of Ind. 2014

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of the foregoing *Pro Se* Response on 11/9/2023 to below individuals via e-mail and the Clerk of Court:

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Dated: November 9, 2023